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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,511	12/18/2003	Patrick Joseph Sweeney II.	ODIN-001/00US	1510
22903 7590 01/12/2007 COOLEY GODWARD KRONISH LLP ATTN: PATENT GROUP Suite 500 1200 - 19th Street, NW WASHINGTON, DC 20036-2402			EXAMINER AU, SCOTT D	
			ART UNIT 2612	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/12/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/707,511

Applicant(s)

SWEENEY, PATRICK JOSEPH

Examiner

Scott Au

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 17-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-30 is/are allowed.
- 6) ☒ Claim(s) 1,2 and 30-34 is/are rejected.
- 7) ☒ Claim(s) 17-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This communication is in response to applicant's response to an Amendment, which is filed October 25, 2006.

An amendment to the claims 1-2 have been entered and made of record in the Application of Sweeney ,II. for a "Remote identification of container contents by means of multiple radio frequency identification systems" filed June 23, 2005.

Claims 1-2 are pending.

The new claims 17-34 are introduced.

Claims 3-16

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-2 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 31-34 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Nowhere in the specification describe the limitation that "configured to send an inventory indicator to an external interrogator". **This limitation contains new subject matter.**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy et al. (US# 6,803,856) in view of Woolley (US# 5,959,568) and further in view of Wood (US# 7,009,517).

Referring to claim 1, Murphy et al. disclose an apparatus, comprising: a radio frequency tag (24) (i.e. tag) configured to be coupled to an object within a container (10) (container); a radio frequency identification interrogator (22) (i.e. reader) configured to be coupled to an interior portion of the container and configured to acquire an inventory-related information associated with the radio frequency tag; a data storage means (18) (i.e. RAM) (col. 2 lines 13-67; see Figures 1-2).

However, Murphy et al. did not explicitly disclose the radio tag is passive and the externally accessible radio frequency tag coupled to an exterior portion of the container,

the interior radio frequency identification interrogator, configured to transfer the inventory-related information to the data storage means, the interior radio frequency identification interrogator configured to transfer the inventory-related information to the externally accessible radio frequency tag, the externally accessible radio frequency tag configured to send an indicator of the inventory-related information to external radio frequency identification interrogator when interrogated by the external radio frequency identification interrogator.

In the same field of endeavor of RFID system, Wooley teaches the externally accessible radio frequency tag (16<sub>1</sub>) (i.e. asset tag) coupled to an exterior portion of the container (12) (i.e. container), the interior radio frequency identification interrogator (13-15) (i.e. operation centers, monitoring device and computer), configured to transfer the inventory-related information to the data storage means, the interior radio frequency identification interrogator configured to transfer the inventory-related information to the externally accessible radio frequency tag (16<sub>1</sub>) (i.e. asset tag), the externally accessible radio frequency tag configured to send an indicator of the inventory-related information to external radio frequency identification interrogator when interrogated by the external radio frequency identification interrogator (col. 16 lines 26 to col.17 lines 22).

One ordinary skill in the art understands that external rfid tags affixed to the container of Woolley is desirable in the rfid system of Murphy et al. because Murphy discloses the rfid tags are being read in a container 10 (col. 2 lines 1-67) and Woolley teaches the rfid tags located outside and inside the container are being read by the devices (13,14,15) in order to monitor the objects with the tags attached.

However, Murphy et al. in view of Woolley did not explicitly disclose the interior tags are passive tags.

In the same field of endeavor of monitoring system, Wood discloses the interior tags are passive tags (col. 1 lines 5-67).

One ordinary skill in the art understands that interior passive tags of Wood is desirable in the tracking system of Murphy et al. in view of Woolley because Woolley teaches tracking object with the attached tag in a container and Wood disclose further wherein the tags in the container (450) are passive tag in order to the method of monitoring the products.

Referring to claim 2, Murphy et al. in view of Woolley and Wood disclose the apparatus of claim 1, Woolley discloses wherein the externally accessible radio frequency tag is active, the data storage means (13-15) (i.e. operation centers, monitoring device and computer, where data stored) being included in the externally accessible radio frequency tag (col. 16 lines 32-39).

### ***Claim Objections***

Claims 17-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Referring to claim 17, the following is a statement of reasons for the indication of

allowable subject matter: the prior art fail to suggest limitations that wherein the interior radio frequency identification interrogator is triggered to acquire the inventory-related information in response to the container being closed.

Referring to claim 18, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations that wherein the interior radio frequency identification interrogator is triggered to acquire the inventory-related information when the container is closed and in response to at least one of a signal from a motion sensor or a signal produced by a timer.

Referring to claim 19, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations that wherein the interior radio frequency identification interrogator is an interrogator antenna coupled to the externally accessible radio frequency tag.

Referring to claim 20, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations that wherein the externally accessible radio frequency tag is prevented from sending the indicator to the external radio frequency identification interrogator when the container is open

Referring to claim 21, the following is a statement of reasons for the indication of

allowable subject matter: the prior art fail to suggest limitations that wherein the externally accessible radiofrequency tag is configured to change from a power-conserving mode to an inventory-acquiring mode when a switch that is configured to be attached to the container is toggled in response to the container being closed, the externally accessible radio frequency tag uses the interior radio frequency identification interrogator when in the inventory-acquiring mode to acquire the inventory-related information during an interrogation time period

Referring to claim 22, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations that wherein the inventory related information acquired from the passive radio frequency tag is translated by the externally accessible radio frequency tag from a signal that is incompatible with the external radio frequency identification interrogator into a signal that is compatible with the external radio frequency identification interrogator.

***Allowable Subject Matter***

Claims 23-30 are allowed.

Referring to claim 23, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations that "a radio frequency tag disposed within a container using an interior radio frequency interrogator disposed within the container, the acquiring being triggered when the container



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changes from being open to closed, the radio frequency tag coupled to an object disposed within the container”.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

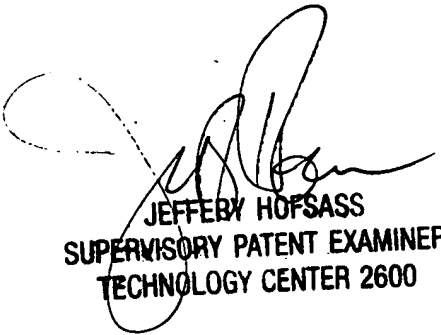
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Au whose telephone number is (571) 272-3063. The examiner can normally be reached on Mon-Fri, 8:30AM – 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached at (571) 272-2981. The fax phone numbers

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for the organization where this application or proceeding is assigned are (571)-273-

8300.

A handwritten signature, possibly reading 'Z.A.', in black ink.A large, stylized handwritten signature in black ink, likely belonging to Jeffrey Hofsass.

JEFFERY HOFSAAS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600